

Message Text

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ACTION ERDA-07

INFO OCT-01 NEA-10 ISO-00 OES-07 L-03 AID-05 IO-13
ACDA-07 NSF-01 JUSE-00 COME-00 CIAE-00 INR-07
NSAE-00 EB-08 NRC-05 FEAE-00 DODE-00 SS-15 SP-02
SSO-00 NSCE-00 INRE-00 ERDE-00 /091 W
-----059995 121455Z /45

O R 121345Z SEP 77

FM AMCONSUL BOMBAY

TO SECSTATE WASHDC NIACT IMMEDIATE 7613

INFO AMEMBASSY NEW DELHI

LIMITED OFFICIAL USE BOMBAY 2205

E.O. 11652 N/A

TAGS: TECH, IN

SUBJ: TARAPUR SPENT FUEL FEASIBILITY STUDY

REF: STATE 216235

1. CONGEN SPENT MUCH OF DAY WITH SHAH AND OTHER IAEC OFFICIALS GOING OVER REVISED DRAFT OF FEASIBILITY STUDY AGREEMENT WHICH HAD BEEN PASSED TO SHAH ON SEPTEMBER 10. IAEC MOST APPRECIATIVE OF ERDA'S EFFORTS TO FIND AN ACCOMMODATION FOR THE REMAINING DIVERGENCE IN VIEWPOINT OF THIS AGREEMENT. THEY ARE FAIRLY SATISFIED WITH PROGRESS BUT ARE STILL UNHAPPY WITH SOME OF THE LANGUAGE IN THE REVISED DRAFT. THEY ARE WILLING TO SWALLOW MOST OF THEIR REMAINING RESERVATIONS AS THEY ARE CONVINCED THAT US IS MAKING A SINCERE EFFORT TO FIND AN EXPEDITIOUS WAY TO HELP WITH THE RERACKING PROBLEM.

2. TWO POINTS THAT HAVE PROVEN ALMOST UNTRACTABLE RELATE TO THE "SHALL/MAY" AND "METHOD" ISSUES IN THE LISTING OF TASKS IN CLAUSE

1. SHAH IS WILLING TO DROP HIS DESIRE FOR A MORE EXPLICIT STATEMENT IN THOSE SPECIFIC TERMS IF ERDA WILL ADD IN CLAUSE 1, PHASE II, TASK 3 AFTER THE EXPRESSION "SPECIAL EQUIPMENT

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AND SERVICES IN THE" THE PHRASE "THE DISPOSITION OF THE EXISTING HARDWARE OF THE SPENT FUEL POOLS AND..." THE REMAINDER OF TASK 3 WOULD REMAIN AS NOW STATED I.E. "APPLICATION OF THE PROPOSED NEW STORAGE SYSTEM"; IN THE IAEC VIEW THIS ADDITION IS CRITICAL AS THEY OBSESSED WITH FEAR THAT THEY MIGHT END UP WITH A STUDY THAT IS NOT SUFFICIENTLY EXPLICIT ON TECHNIQUES AND PROCEDURES FOR REMOVAL OF EXISTING RACKS AND OTHER HARDWARE. THEY

BELIEVE THAT THEY COULD NOT PUT IN NEW ONES THEMSELVES IF THEY COULD REMOVE THE OLD ONES IN WAY THAT PREPARED PATHS FOR NEW ONES. URGE ERDA TO MAKE EVERY EFFORT TO ACCOMMODATE THIS POINT AS IT NOW SEEMS THE KEY TO A QUICK SIGNING OF THE AGREEMENT.

3. PARA 4 OF REFTTEL STATES THAT ERDA HAS ACCEPTED SHAH'S SUGGESTION FOR THE ADDITION IN TASK 5 PHASE I THE ECPRESSION "WITH PROPER CONSIDERATION OF FACTORS SUCH AS STRUCTURAL ADEQUACY AND NUCLEARSAFETY OF THE EXPANDED FUEL POOL". HOWEVER, THE REVISED TEXT OF THE DRAFT AGREEMENT FAILS TO REFLECT THIS POINT. ASSUME IT IS SIMPLE OVERSIGHT AND REQUEST THE DEPARTMENT CONFIRM THAT THIS PHRASE IS ACCEPTABLE FOR REVISED TEXT.

4. IN CLAUSE 2 OF REVISED TEXT THE NAME OF TAPS IS INCORRECT BECAUSE IT INCLUDES THE WORD ENERGY WHICH SHOULD OF COURSE BE OMITTED.

5. REVISED TEXT OMITTED IN INTRODUCTION OF THE LAST SENTENCE OF CLAUSE 9 THE WORDS "PROVIDED THAT". THE INDIANS WOULD PREFER TO HAVE THIS EXPRESSION INCLUDED. CAN THIS BE DONE IN SPITE OF THE GRAMMATICAL PROBLEM IT CAUSES?

6. AGAIN INCLAUSE 9 IN WHAT IS OBVIOUSLY AN AFTERTHOUGHT, SHAH NOW FINDS A LACK OF SYMMETRY. THE FIRST SENTENCE SPEAKS LIMITED OFFICIAL USE

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OF "DAMAGES, LIABILITIES, OR COSTS" WHEREAS THE LAST SENTENCE SPEAKS ONLY OF "ANY LIABILITY FOR VIOLATION". SHAH WONDERS WHETHER DAMAGES AND COSTS SHOULD NOT ALSO BE MENTIONED IN THE LAST SENTENCE.

7. REGARDING THE NAGGING "OF/FOR" ISSUE, SHAH NOTES THAT DEPARTMENT HAD PREVIOUSLY STATED IN ROSENTHAL'S LETTER OF JULY 21 (DEPTEL 168761) THAT DEPARTMENT WOULD DISCUSS "OF/FOR" QUESTION FURTHER, BUT HE NOW FINDS THAT IT HAS BEEN LEFT RIGHT WHERE IT WAS, E.G., INDIANS CAN USE THE PROPRIETARY INFORMATION MADE AVAILABLE IN THIS STUDY ONLY FOR THE EXPANSION OF THE TWO EXISTING TARAPUR POOLS BUT IN NOW OTHER WAY. SHAH NOTES THAT ERDA HAD PREVIOUSLY SAID THAT IT COULD NOT ACCOMMODATE HIM ON THIS ISSUE BECAUSE DOING SO WOULD RAISE COMPLEX PROBLEMS AND MIGHT GIVE RISE TO THE EXPECTATION THAT ERDA WOULD DO MORE TO HELP POSSIBLY IN BUIDLING OR RACKING ADDITIONAL POOLS. SHAH SAYS THAT IAEC DOES NOT EXPECT ERDA TO DO ANY MORE BUT IT WOULD LIKE TO HAVE THE RIGHT ITSELF TO USE PROPRIETARY INFORMATION IN CONSTRUCTION OF ADDITIONAL POOLS IF THAT BECOMES NECESSARY. HE ASKS WHETHER ERDA'S

ONLY RESERVATION RELATES TO A NEED TO PAY GE MORE NOW IF
HIS FORMULATION ON THE "OF/FOR" ISSUE IS ACCEPTED. (COMMENT:
CONGEN BELIVES THAT IAEC WILL DROP THIS POINT IF THEY ARE
GIVEN A CLEARCUT RESPONSE INDICATING CLEARLY THE REASONS FOR
ERDA'S RESERVATIONS.)

8. SHAH POINTED OUT THAT REVISED TEXT SIMPLY NOTES THAT THE
STUDIES WILL BE COMPLETED IN ESSENCE ASAP. HE WOULD LIKE AN INFORMAL
INDICATION OF THE TIME GE WOULD EXPECT TO BE REQUIRED ONCE
AGREEMENTS ARE SIGNED.

9. REQUEST AT LEAST AN INTERIM REPLY BY OPENING OF BUSINESS
BOMBAY TIME SEPTEMBER 13 AS SHAH IS SCHEDULED TO DEPART PWDIA
FOR TEN DAYS AT COB SEPTEMBER 14.
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Message Attributes

Automatic Decaptioning: X
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Control Number: n/a
Copy: SINGLE
Sent Date: 12-Sep-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
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